



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: AUGUST 14, 2006

U.5
ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-06-37
1762 AND 1768 NEWPORT BOULEVARD

DATE: AUGUST 3, 2006

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER
(714) 754-5611

PROJECT DESCRIPTION

The applicant is requesting approval of a conditional use permit to allow the use of off-site parking spaces at 1762 Newport Boulevard and to deviate from shared parking requirements (22 total spaces required; 8 on-site spaces and 12 off-site spaces proposed) for the expansion of El Matador Restaurant located at 1768 Newport Boulevard.

APPLICANT

The applicant is Greg McConaughy, representing Dennis W. Hogland Trust, the owner of both properties.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions.



MEL LEE, AICP
Senior Planner



R. MICHAEL ROBINSON, AICP
Asst. Development Services Director

BACKGROUND

Both properties are located on the east side of Newport Boulevard, are zoned C2 and have a General Plan Designation of General Commercial.

1762 Newport Boulevard

The property contains an approximately 3,900 square foot auto repair shop (Global Tires) with 12 striped parking spaces at the rear of the property. The plan submitted by the applicant also shows two parking spaces at the front of the property, which are not striped. The site is existing nonconforming with regard to the number of parking spaces required by code (16 parking spaces required; 12 parking spaces provided).

1768 Newport Boulevard

The property contains a 3,176 square foot commercial building. Approximately 1,804 square feet is occupied by the subject restaurant (El Matador) and the remaining 1,372 square feet, previously occupied by a motorcycle and boat shop, is vacant. The site has 4 striped parking spaces at the front of the building and 4 striped parking spaces at the rear of the building, and is currently existing nonconforming with regard to on-site parking spaces (18 spaces required for the existing restaurant; 8 spaces provided).

DISCUSSION

The applicant is proposing to expand the restaurant into the adjacent space with a new bar area, expanded dining area, and restrooms. To accommodate the proposed 1,372 square foot restaurant expansion; 14 parking spaces would be required by code based on a ratio of 10 parking spaces for every 1,000 square feet of floor area, resulting in a requirement for 22 parking spaces (8 existing plus 14 required) for the entire restaurant.

To offset the shortage of available on-site parking spaces the applicant, per Code Section 13-93(m), is requesting approval of a conditional use permit to utilize 12 off-site parking spaces used by the adjacent tire shop. The parking is summarized in the table below:

	Existing	Required	Proposed
Parking for 1762 Newport Blvd. (Tire Shop)	12	16	NA
Parking for 1768 Newport Blvd. (Before Restaurant Expansion)	8	18	NA
Parking for 1768 Newport Blvd. (After Restaurant Expansion)	8	22	20
Daytime Parking Spaces Available for Restaurant	8	NA	8
Evening Parking Spaces Available for Restaurant	8	NA	20

The 12 proposed off-site parking spaces abuts the 4 restaurant parking spaces at the rear of the property, and therefore will be easily accessible to customers without having to cross multiple properties or public streets. Due to the offset hours of operation for both uses (the tire shop closes at 5:00 PM, the restaurant closes at 11:00 PM), no parking

shortages are anticipated in the evening hours. With regard to the lunch hours (the restaurant opens at 11:00 AM), the applicant is proposing to operate the expanded area when the adjacent tire shop is closed. Staff has incorporated this as a condition of approval. Also, staff is recommending, as a condition of approval, that the property be posted with signs directing customers to the parking at the rear of the building so as not to impact parking on surrounding properties and public streets.

The applicant is also proposing to refurbish the front of the building as part of the expansion with new paint, signage, and storefront windows. The subject property is located within the City's Downtown Redevelopment Project Area. The modifications to the building exterior comply with the Redevelopment Project Area Comprehensive Design Plan for accent materials, building colors, and architectural details.

The restaurant currently operates under a State Alcoholic Beverage Control License Type 47 (On-Sale General, Eating Place), which will not change as a result of the expansion. However, staff has included the standard conditions of approval for restaurants operating with ABC licenses.

GENERAL PLAN CONFORMITY

Approval of the off-site parking is consistent with the City's General Plan Goal CD-8A.5, which encourages the arrangement of parking for commercial uses in a logical, safe manner.

ALTERNATIVES

If the conditional use permit were to be denied, the proposed expansion would not be permitted due to lack of available parking. The applicant could not submit substantially the same type of application for six months.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act under Section 15301 for Existing Facilities.

CONCLUSION

It is staff's opinion that the proposed use, with the recommended conditions of approval, will not adversely affect parking for adjacent properties. Therefore, staff recommends approval of the request.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" – Findings
 Exhibit "B" – Conditions of Approval
 Applicant's Project Description and Justification
 Location Map
 Plans

cc: Deputy City Manager - Dev. Svs. Director
Sr. Deputy City Attorney
City Engineer
Fire Protection Analyst
Staff (4)
File (2)

Greg McConaughy
El Matador Restaurant
1768 Newport Boulevard
Costa Mesa, CA 92627

Dennis W. Hogland Trust
40 Lewis
Irvine, CA 92620

Ross Andrews + Associates, Architects
930 W. 16th Street, Suite E-1
Costa Mesa, CA 92627

File: 081406PA0637	Date: 080106	Time: 9:00 a.m.
--------------------	--------------	-----------------

RESOLUTION NO. PC-06-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-06-37**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by is Greg McConaughy, representing Dennis W. Hogland Trust, property owner, to allow approval of a conditional use permit to allow the use of off-site parking spaces at 1762 Newport Boulevard and to deviate from shared parking requirements (22 total spaces required; 8 on-site spaces and 12 off-site spaces proposed) for the expansion of El Matador Restaurant located at 1768 Newport Boulevard; and,

WHEREAS, a duly noticed public hearing was held by the Planning Commission on August 14, 2006.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," and subject to the conditions of approval contained within Exhibit "B," the Planning Commission hereby **APPROVES** Planning Application PA-06-37 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for PA-06-37 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 14th day of August, 2006.

Bill Perkins, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, R. Michael Robinson, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on August 14, 2006, by the following votes:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"**FINDINGS**

- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use, as conditioned, is substantially compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, adverse parking impacts on neighboring properties are not anticipated because there is available off-site parking, so no parking shortages are anticipated. Granting the conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation for the property. Approval of the off-site parking is consistent with the City's General Plan Goal CD-8A.5, which encourages the arrangement of parking for commercial uses in a logical, safe manner.
- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
 - a. The proposed use is compatible and harmonious with uses both on-site as well as those on surrounding properties.
 - b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 - c. The proposed use is consistent with the General Plan.
 - d. The planning application is for a project-specific case and does not establish a precedent for future development.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.
- D. The project is exempt from Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"**CONDITIONS OF APPROVAL**

- Plng. 1. The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the development services director or his designee, any of the findings upon which the approval was based are no longer applicable.
2. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
3. The business operator shall be responsible for enforcing the parking restrictions as described herein. Any proposed operational change that significantly increases or intensifies the off-site parking shall require approval of an amendment to this conditional use permit by the Planning Commission.
4. The conditions of approval and ordinance or code provisions of Planning Application PA-06-37 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
5. The applicant shall submit a parking management plan to the Planning Division for review and approval prior to issuance of building permits.
6. The use shall be conducted, at all times, in a manner to allow the quiet enjoyment of the surrounding neighborhood. The business operator shall institute whatever operational measures are necessary to comply with this requirement.
7. If parking shortages or other parking-related problems arise, the business operator shall institute whatever operational measures necessary to minimize or eliminate the problem.
8. Complaints regarding violation of any of the above operating conditions and restrictions shall be immediately remedied by the applicant.
9. A land use restriction, executed by and between the applicant and the City of Costa Mesa, shall be recorded prior to the issuance of building permits. This land use restriction shall inform future property owners that the applicant operate the expanded restaurant area when the adjacent tire shop is closed. Applicant shall submit to the Planning Division a copy of the legal description for the property, and either a lot book report or current title report identifying the current legal property owner so that the document may be prepared.
10. Any change in the operational characteristics of the restaurant including, but not limited to, hours of operation, sale of alcoholic beverages, or provision of entertainment, will require approval of an amendment to the conditional use permit, subject to Planning Commission approval.

11. The property shall be posted with signs directing customers to the parking at the rear of the building.
12. The licensee shall not employ or use the services of any full- or part-time active or reserve peace officer currently employed by the City of Costa Mesa or any contiguous agency for security purposes.
13. The maximum occupancy, as determined by provisions of the Uniform Building Code or other applicable codes, shall be posted in public view within the premises, and it shall be the responsibility of management to ensure that this limit is not exceeded at any time.
14. There shall be no room or designated area reserved for the exclusive use of designated persons or "private club members."
15. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement.
16. There shall be no sales of alcoholic beverages for off-site consumption.
17. At all times the premises is open for business, the sale and service of alcoholic beverages shall be made only in conjunction with the sale and service of food.
18. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food and meals during the same time period. The applicant shall at all times maintain records which reflect separately the gross sales of food and gross sales of alcoholic beverages of the business. The records shall be kept no less frequently than on a quarterly basis and shall be made available to the development services director or his/her designee on demand.
19. The restaurant shall remain a "bona fide eating place" as defined by section 23038 of the California Business and Professions Code.

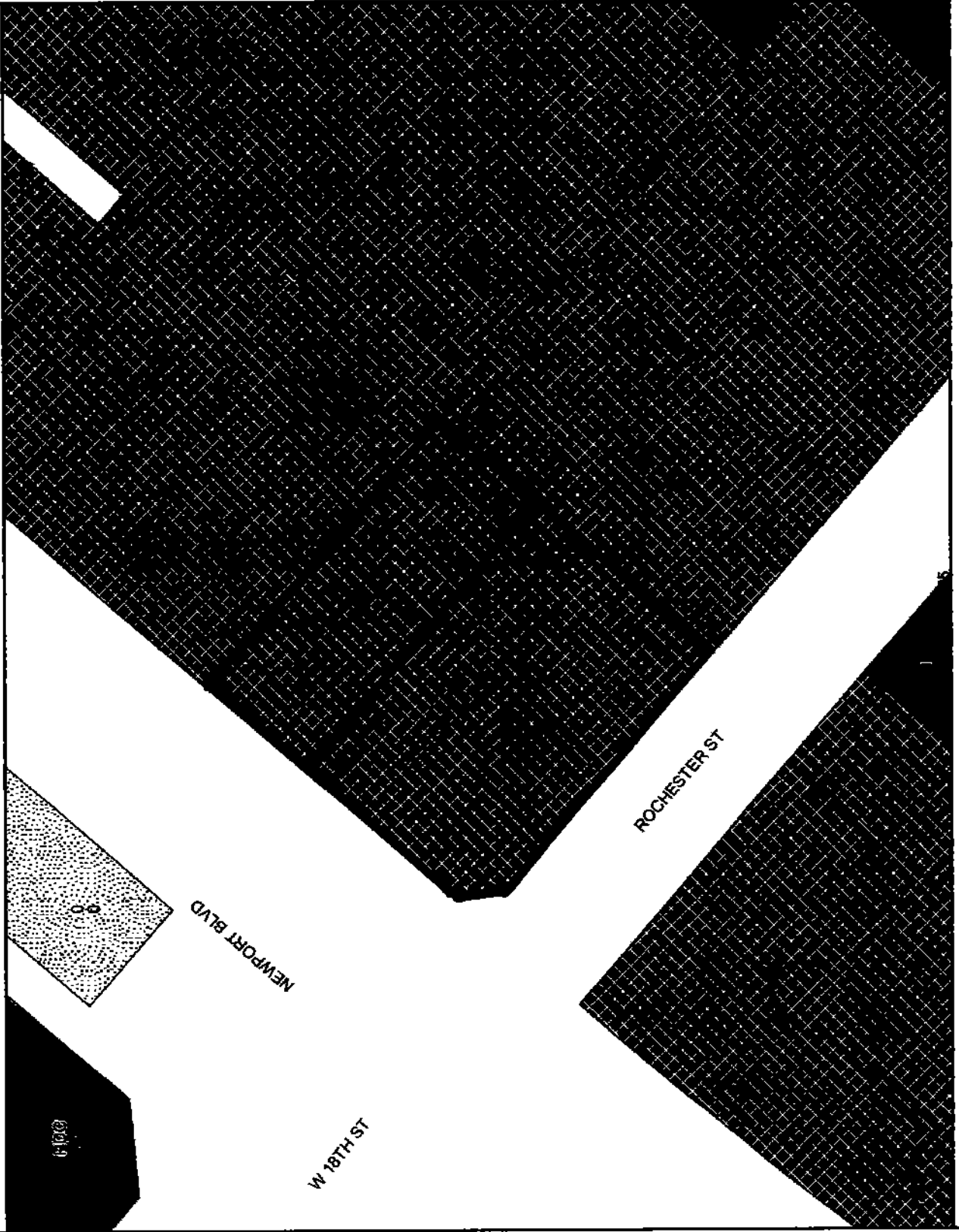
**El Matador
Chalon Adventures Inc,
1768 Newport Blvd.
Costa Mesa Ca 92627
Greg McConaughy
949-378-1913 Cell**

Our proposed project is 1372 SQ. ft next store where we are upgrading to handicap restrooms, dining area and bar area. Our hours of operation will not change. This new area will be open when the tire store is closed.

ZONING/LOCATION MAP

Legend

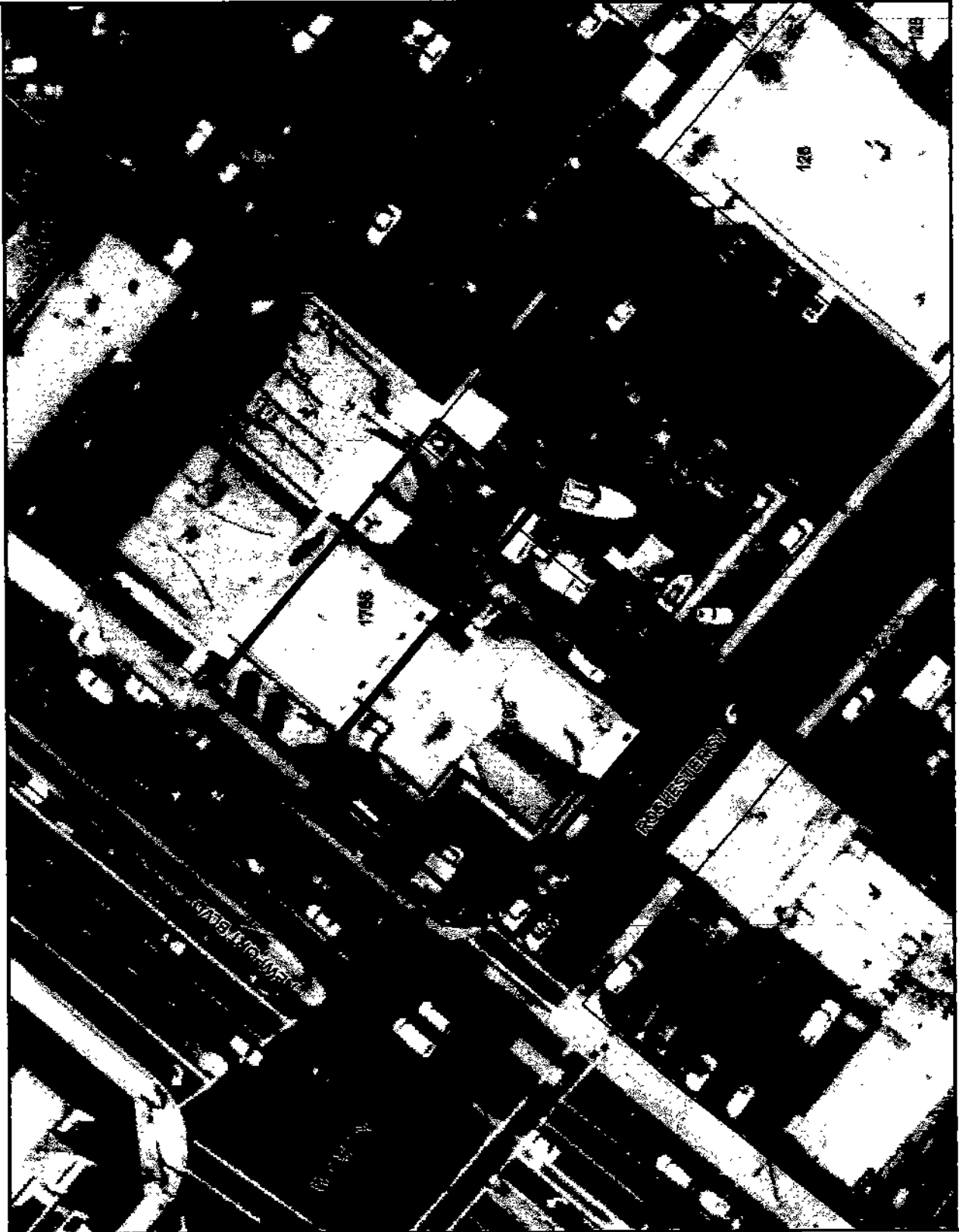
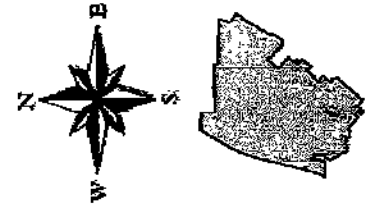
- ☐ Parcel Addresses
 - ☐ Street Names
 - ☐ Parcel Lines
 - ☐ Zoning
- | | | | | | | | | | | | | | | | | | | | | | |
|----|----|------|----|----|-----|-------|----|----|---|-----|-----|--------|--------|--------|---------|----|-------|-------|----|----|---------|
| AP | C1 | C1-S | C2 | CL | IAR | IAR-S | MG | MP | P | PBC | PBI | PDR-HD | PDR-LO | PDR-MD | PDR-NCM | R1 | R2-HD | R2-MD | R3 | TC | Parcels |
|----|----|------|----|----|-----|-------|----|----|---|-----|-----|--------|--------|--------|---------|----|-------|-------|----|----|---------|



PA-06-37

Legend

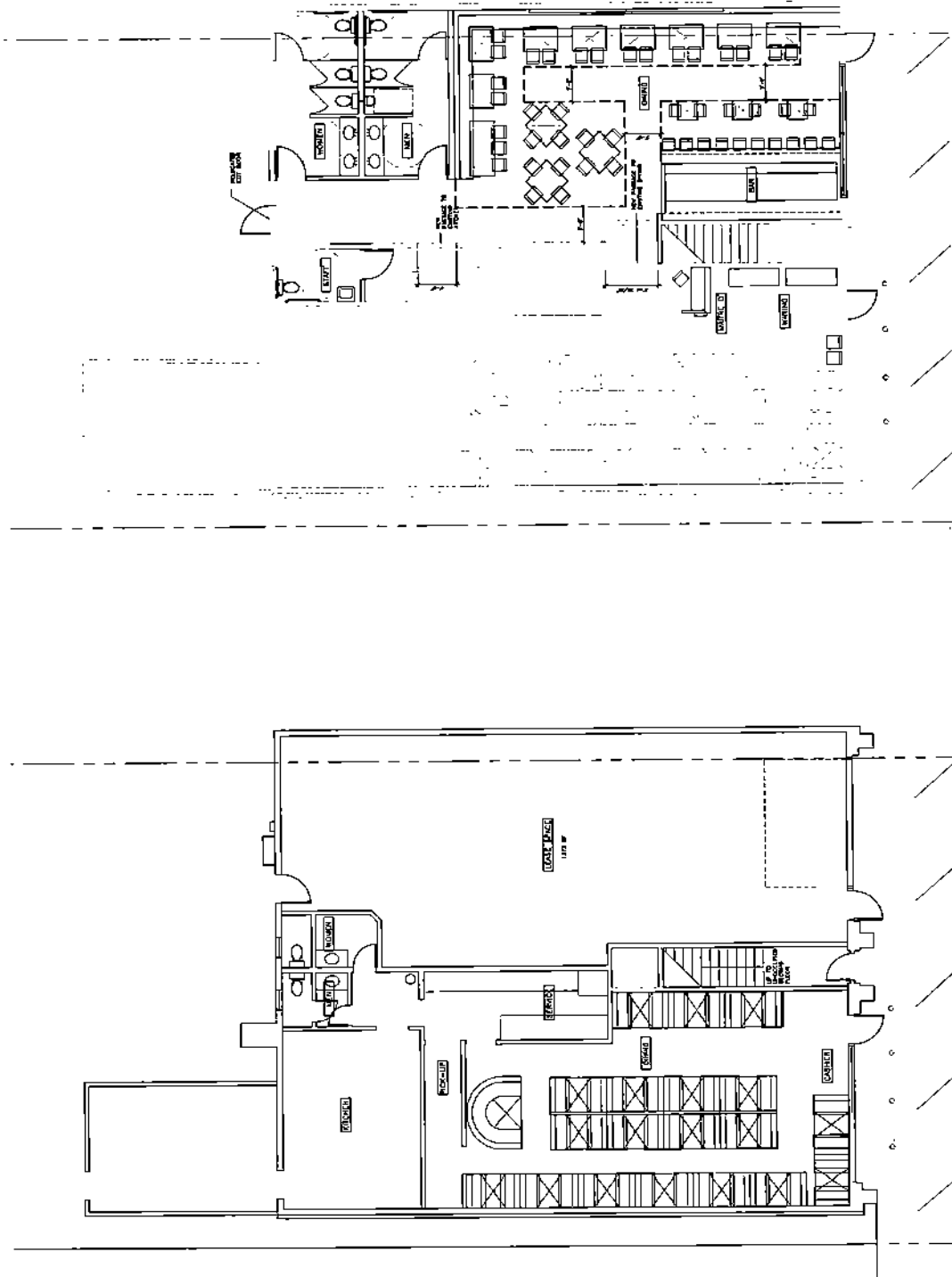
- ☐ Parcel Addresses
- Street Names
- Parcel Lines
- Ortho Photography
- Parcels



EL MATADOR
 1001 WEST 6TH
 DALLAS, TEXAS 75204

BUSINESS OWNER
 THE MATADOR GROUP
 1001 WEST 6TH
 DALLAS, TEXAS 75204

ARCHITECT
 RA+A
 1001 WEST 6TH
 DALLAS, TEXAS 75204



FLOOR PLAN PROPOSED

FLOOR PLAN EXISTING



EL MATADOR
 RESTAURANT

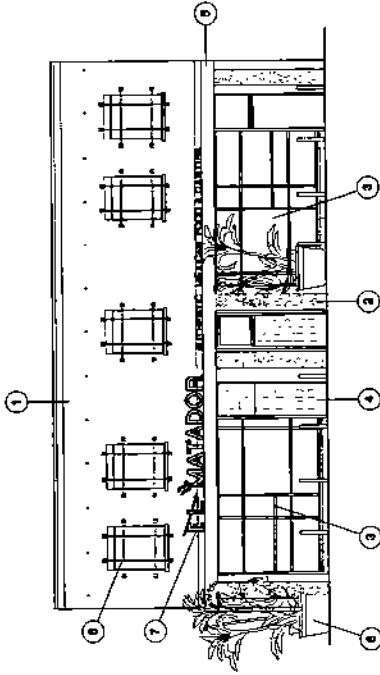
RA+A
 1001 WEST 6TH
 DALLAS, TEXAS 75204

14

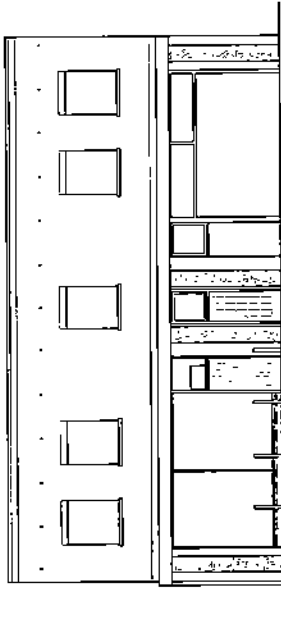
EL MATADOR
 1000 W. 10TH ST.
 DENVER, CO 80202

BUSINESS OWNER
 RITA ANDERSON
 1000 W. 10TH ST.
 DENVER, CO 80202

ARCHITECT
 RITA ANDERSON
 1000 W. 10TH ST.
 DENVER, CO 80202



**STREET ELEVATION
 PROPOSED**



**STREET ELEVATION
 EXISTING**

1. FLAT ROOF
2. ENTRANCE CANOPY
3. LARGE WINDOWS
4. ENTRANCE
5. SMALL WINDOWS
6. SMALL WINDOWS
7. SMALL WINDOWS
8. SMALL WINDOWS

RA+A
 RITA ANDERSON • ARCHITECTURAL ARCHITECTS
 1000 W. 10TH ST. DENVER, CO 80202

EL MATADOR
 RESTAURANT

ELEVATIONS 80' x 40'

1 2 3